

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-V-

MUSTAPHA RAJI,

Defendant.

19-CR-870 (JMF)


ORDER

JESSE M. FURMAN, United States District Judge:

Attached is a final version of the juror questionnaire that the Court used during oral voir dire on September 12, 2022.

SO ORDERED.

Dated: September 13, 2022
New York, New York


JESSE M. FURMAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	19 Cr. 870 (JMF)
	:	
MUSTAPHA RAJI,	:	<u>VOIR DIRE</u>
	:	
Defendant.	:	
-----X	:	

JESSE M. FURMAN, United States District Judge:

PLEASE DO NOT READ FURTHER OR WRITE ANYTHING ON
THIS QUESTIONNAIRE UNTIL THE JUDGE TELLS YOU TO DO SO

When directed to do so, please indicate if your answer to any of the following questions is “yes” by circling the number of that question. If your answer to a question is “no,” you should not do anything. Do *not* write your name or make *any other* marks on the questionnaire; the only marks you should make are circles around the questions for which the answer is “yes.” If, when asked about a “yes” answer, you prefer not to elaborate in open court, please say so.

A. General Questions

1. As I noted, this trial is expected to last up to two weeks. Do you have any unmovable commitments or extraordinary personal hardship that would interfere with your serving as a juror at a trial that is expected to end, at the latest, some time next week?
2. Do you have any difficulty understanding or reading English?
3. Do you have any ideas or prejudices that would make it difficult for you to follow my instructions as to the law?
4. Do you have any doubt that you will be able to apply the law as I explain it even if you disagree with it?
5. In our criminal justice system, the defendant is presumed to be innocent, not only at the outset of the trial, but throughout the entire trial — unless and until the Government proves his guilt beyond a reasonable doubt. Would you have any trouble following my instructions on these points?
6. Because the burden rests with the Government at all times, the defendant has no obligation to offer evidence or to testify in his own defense. If the defendant chooses not to testify, as is his absolute right, would you have any trouble following my instruction that you may not consider that fact in any way in your deliberations in the jury room?

7. Do you have any religious or ethical beliefs that would prevent you from passing judgment on another person?

8. Have you, or has any close friend or relative, ever studied or practiced law or worked in any capacity for a law office or a court?

9. Have you, or has any close friend or relative, ever worked for any law enforcement agency, such as the New York City Police Department, the Department of Corrections, the Federal Bureau of Investigation (also known as the “FBI”), the Internal Revenue Service (also known as the “IRS”), the United States Marshals Service, the District Attorney, the United States Attorney, the Department of Justice, Probation or Parole, the Bureau of Prisons, or any other such agency?

10. Do you know, or do you have an association with, any member of the staff of the United States Attorney’s Office for the Southern District of New York?

11. Do you have any bias or prejudice for or against the United States Attorney’s Office or any other law enforcement agency?

12. Have you, or has any member of your family, either as an individual or in the course of business, ever been involved in any legal action or dispute with the United States or any of the offices, departments, agencies, or employees ~~of the United States~~, or had any interest in any such legal action or dispute or its outcome?

13. Have you, or has any close friend or relative, ever worked for a criminal defense attorney or private investigator?

14. Do you have any bias or prejudice for or against criminal defense attorneys?

15. Have you, either through any experience you have had or anything you have seen or read, developed any bias or prejudice, positive or negative, based on race, national origin, or gender, that may inhibit your ability to be a fair and impartial juror in this case?

B. Case-Specific Questions

16. Do you have any personal knowledge of this case, or have you heard or read anything about the charges as I have described them?

17. The government witnesses in this case may include law enforcement officers and other government employees. Would you have any difficulty assessing the credibility of such a witness just like you would any other witness?

18. You also may hear testimony from expert witnesses. Have you had any experiences with expert witnesses, or do you have any general feelings about the use of expert witnesses, that would affect your ability to be fair and impartial in this case?

19. You might hear evidence in this trial of criminal activity committed by people other than Mr. Raji. Those other people are not on trial here. You may not draw any inference, favorable or unfavorable, toward the government or Mr. Raji from that fact. Nor may you speculate as to the reason why other people are not on trial. Would you have any trouble following my instructions on these points?

20. You may hear testimony in this case from a cooperating witness, that is, a witness who previously participated in criminal activity and is testifying pursuant to an agreement with the Government. Cooperating witnesses hope to receive lower sentences because of their cooperation. The use of cooperating witnesses is lawful and permitted, but such testimony should be scrutinized carefully. Do you have any feelings, beliefs, or experiences regarding the Government's use of cooperating witnesses that would influence your ability to evaluate this testimony fairly and impartially?

21. Some of the evidence in this trial may have been obtained through searches by law enforcement officers, including searches of cellphones or other electronic devices. Any such evidence that will be presented was lawfully obtained. Do you have any feelings or opinions about the use of evidence obtained in law enforcement searches that could make it difficult for you to evaluate the evidence fairly and impartially?

22. The Government is not required to use any particular investigative technique when uncovering evidence of, or prosecuting, a crime. Would you have any trouble following my instructions on that score?

23. Do you have any expectations about the type or types of evidence that the Government should or will present in criminal trials?

24. Do you have any strong feelings about laws prohibiting fraud or money laundering that might make it difficult for you to be a fair and impartial juror in this case?

25. Have you, or has any member of your family, ever lobbied, petitioned, or worked in any other manner for or against any laws or regulations relating to fraud or money laundering?

26. Do you have any strong feelings about people who engage in fraud or money laundering generally that might make it difficult for you to be a fair and impartial juror in this case?

27. Have you formed an opinion that the actions charged in the Indictment, as I have described them to you, should not be crimes; that the laws governing these offenses should not be enforced; or that these crimes should not be prosecuted by the United States Government?

28. Have you, or has any close friend or relative, been involved — whether as a defendant, victim, or another way — in a case involving fraud or money laundering?

29. Is there anything about this case, or the charges as I have described them, that would affect your ability to be impartial in this case?

C. Knowledge of Parties, Lawyers, and Witnesses

30. The Government is represented here, as in all cases where it is a party before this Court, by the United States Attorney for the Southern District of New York, who is Damian Williams. The conduct of the trial will be in the immediate charge of Assistant United States Attorneys Catherine Ghosh, Jilan Kamal, and Robert Sobelman. They will be assisted by Special Agents Michael Ryan and Bryan Demberger of the Federal Bureau of Investigation and paralegal specialists Matthew Bailey and Joseph Carbone with the U.S. Attorney's Office. Do you know, or have you had any dealings with, any of them?

31. As I mentioned, the defendant in this case is Mustapha Raji. Mr. Raji is represented by Jeremy Schneider, from Rothman, Schneider, Soloway & Stern, LLP, who will be assisted by a paralegal, Mayerlin Ulerio. Do you know, or have you had any dealings with, any of them?

32. To your knowledge, do you have any relatives, friends, associates, or employers who have had any dealings, either directly or indirectly, with the United States Attorney's Office for the Southern District of New York, the Federal Bureau of Investigation, the law firm Rothman, Schneider, Soloway, & Stern, or Mr. Raji?

33. Do you know or have you heard of any of the following people who may testify or whose names may be mentioned during the course of the trial?

Adam Angelowicz	Joe Talia	Nicole Augcomfar-Evans
Afolabi Adeusi	John Carroll	Paul DiBetta
Agnes Cannon	Johnnie Cannon	Phillip Dixon
Anne Pipala	Joshua Adewola	Pierre Thimot
Brenda Opara	Julia Daniel	Renyeh Carter
Carlos Juez	Julia Miller	Robert McLellan
Christopher Rodgers	Julie Shugarman	Robin Boyd
Christopher Rogers	Kay Weiss	Scott McLellan
Cindy Wilhoite	Kerry Glasgow	Sebaratnam Sebajeevan
Clay Yates	Kristy Woodall	Sheaa Sang
Dauda Raji	Lindel Williams	Sherril Waugh
David Prather	Marian Morris	Steven DeSanctis
David Sucih	Marvin Morris Jr.	Steven Larvick
Debbie Milton	Maryann Reese	Susan Sotkovsky
Dominique Walden	Michael Gassert	Tamara Leiva
Dori Bigler	Michael Gorfinkel	Tammy Snow
Dustin Palmer	Misan Megbuluba	Timothy Jenkins
Ethan Lacy	Misan Ray	Timothy Oyewole
Evan Chilanda	Myishs McGill	Victoria Hernandez
Flor Caicedo	Naija Afo	Wayne Floyd
Hazel Aguilar	Nancy Martino-Jean	William Thompson
Jacque Givens	Natalie Moore	Willy Obena
Jesse M. Siegel	Nick Pottenger	

34. The following entities may be mentioned during trial:

Anac Global Realty	First Republic Bank	Shouguang Sanyang Trading
Bank of America	Imagine Health Inc.	Societe Generale
Bell Claps Enterprise LLC	Indeego Holdings	Southern Oregon University
Berkeley Research Group	JP Morgan Chase Bank	Suntrust Bank
Best Janitor Cleaning Services LLC	M.L. Morris Inc.	TD Bank
Bluelazer Publishing Company	Marble Arch Investments LP	The Huntington National Bank
Branch, Banking and Trust Co.	Miami Shops LLC	The Oculina Bank
Capital One Bank	Mid Florida Credit Union	Title and Escrow Closing Services LLP
Citibank	Pour L'Entreprise Pop Investment Income	Unique Bamboo Investment, Inc.
Comcristal Company	Regions Bank	Unique Loan Origination Inc.
Del-One Federal Credit Union	Saint Francis Healthcare System	USAA Federal Savings Bank
Diva Multi Services	Saint Francis Medical Center	Ventura Investment Holdings LLC
Emergent Development Corporation	Scotiabank	Ventura Investment Holdings LLC

Do you have a familiarity with, or relationship to, any of these entities that would interfere with your ability to be fair and impartial in this case and to decide the case based only on the evidence presented in court?

35. Are you familiar with anyone else present in the courtroom, including your fellow jurors, all Court personnel, and myself?

36. Some of the evidence in this case may concern activity that took place at or near the International House of Pancakes (also known as IHOP) at 11720 Medlock Bridge Road, in Duluth, Georgia. Do you have a familiarity with this location that would interfere with your ability to be fair and impartial in this case and to decide the case based only on the evidence presented in court?

D. Experience with, and Opinions of, Lawsuits

37. If you or any member of your immediate family has ever brought a lawsuit against anyone or been sued, would that experience affect your ability to be fair and impartial in this case?

38. Have you or any member of your immediate family ever appeared as a witness at a trial?

39. Have you or any of your close friends or relatives ever been involved, been questioned, or appeared as a witness, in any investigation, including any investigation by a federal or state grand jury or a law enforcement agency?

40. Have you ever been a witness or a victim in any federal or state prosecution?

41. Have you or any of your close friends or relatives ever been the victim of a crime (other than one you have mentioned in connection with a previous question)?

42. Have you or any of your relatives, associates, or close friends ever been the subject of any investigation or accusation by any federal or state grand jury?

43. Have you or any member of your immediate family ever been a defendant in a criminal case or been incarcerated?

E. Difficulties in Understanding or Serving

44. Do you have any problem with your hearing or vision or any physical or medical issues (including any medication you may be taking) that would prevent you from giving your full attention to all of the evidence presented during this trial?

45. Is there anything about COVID-19 that would affect your ability to be a fair and impartial juror in this case?

46. The question of punishment is for me alone to decide and the possible punishment must not enter into your deliberations as to whether the defendant is guilty or not guilty. Would you have any trouble following that instruction if you were selected to serve as a juror?

47. In these questions, I have tried to direct your attention to possible reasons why you might not be able to be fair and impartial in this case. Apart from any prior question I have asked you, is there *any* reason that you could *not* be a conscientious, fair, and impartial juror in this case and render a true and just verdict without fear, favor, sympathy, or prejudice, according to the law as I will explain it to you?

QUESTIONS FOR INDIVIDUAL JURORS

1. Please state your name and every county of residence in which you have lived during the past five years.
2. How old are you?
3. How far did you go in school?
4. What do you do? (If retired or unemployed, describe your last employment.)
5. How long have you been employed in your current position? (If fewer than five years, where else did you work in the last five years?)
6. Do you live with anyone and, if so, what do they do?
7. Do you have grown children and, if so, what do they do?
8. If you are comfortable sharing, are you fully vaccinated? If yes, have you received one or more booster shots?
9. Where do you typically get your news? For example, what print newspaper, magazines, television shows, radio shows, podcasts, or internet/app news site(s) do you read, watch, or listen to on a regular basis?
10. Do you watch any shows dealing with the criminal justice system, such as investigative news programs like Dateline, 48 Hours, or 20/20, or police drama shows like Law and Order or CSI?
11. Do you belong to or volunteer your time to any associations, organizations, clubs, or unions?
12. What do you like to do in your spare time?
13. Have you ever served as a juror? If so, when did you serve and were you on a grand jury or a regular jury? If a regular jury, was it a civil or criminal case? Did you reach a verdict? **(Do not tell us what the verdict was.)**